

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	05-00371-01-CR-W-DW
JOSE LOPEZ-LOPEZ,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on November 30, 2006. Defendant appeared in person and with appointed counsel John Gromowsky. The United States of America appeared by Assistant United States Attorney Bruce Clark.

I. BACKGROUND

On April 19, 2006, a superseding indictment was returned charging Defendant with: one count of being an unlawful drug user in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(3), 924(a)(2); one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2); one count of being an illegal alien in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(5), 924(a)(2); two counts of possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. §§

841(a)(1), (b)(1)(B); and one count of illegal re-entry into the United States, in violation of 8 U.S.C. §§ 1326(a), (b)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Clark announced that Paul Becker will be the trial counsel for the government. The case agent to be seated at counsel table is Wayne Hartley, Independence Police Department.

Mr. Gromowsky announced he will be the trial counsel for Defendant Lopez-Lopez.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Clark announced that the government intends to call ten witnesses without stipulations or eight witnesses with stipulations during the trial.

Mr. Gromowsky announced that Defendant Lopez-Lopez does not intend to call any witnesses during the trial. Defendant Lopez-Lopez may testify.

V. TRIAL EXHIBITS

Mr. Clark announced that the government will offer approximately forty exhibits in evidence during the trial.

Mr. Gromowsky announced that Defendant Lopez-Lopez will not offer any exhibits in evidence during the trial.

VI. DEFENSES

Mr. Gromowsky announced that Defendant Lopez-Lopez will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Gromowsky[=] stated this case is probably not for trial and will likely be resolved through a plea agreement.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody, chemist's reports and prior felony conviction(s).

IX. TRIAL TIME

Counsel were in agreement that this case will take two days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed May 9, 2006, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **Wednesday, November 29, 2006;**

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, **Wednesday, December 6, 2006;**

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, **Wednesday,**

December 6, 2006. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on December 11, 2006. A Spanish-speaking interpreter is required.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
November 30, 2006

cc: The Honorable Dean Whipple
Mr. Paul Becker
Mr. John Gromowsky
Mr. Jeff Burkholder